App F IX 4

Previous References 19 52-53 (C m)

File No 3-52

Serial Nos 49-50

Later References p. 13 = E

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Oct 52

SUBJECT

- Grant of leave for one month to
- Gazetted officers working in the Mysore City Municipality.

L 11510 / D 15-10-52

The Municipal Commr Mysore
(through the Dept)

Issued instruction

WD 015467—GPB—25,000—12 9 51

AE 10/11/52

GENERAL AND REVENUE SECRETARIAT

NOTES

File No

FILE HEADING

Grant of Leave for one month to gazetted Officers working in the Municipalities.

FROM — The Commissioner, Mysore City Municipality.

No C.P.R 32 Dated 19-5-52 — Received
8-52-53

Diary No 1312	Enclos	Spare copies	Serial No

BRIEF ABSTRACT OF LETTER

Seeks clarification as to the competence of the Commissioner to sanction a period not exceeding 1 month to gazetted Executive Officers working under him at the Municipality

NOTES AND ORDERS

~~Section~~ Sec 228 (1) (xxi) and Sec 229 (4) of the Mysore City Municipalities Act provides for framing by-laws regulating, among others things, the grant of leave to Officers and Servants working in the Municipality. Such a by-law has been framed and is in force, and it is stated therein that under the by-laws the Commissioner is empowered to sanction leave to gazetted officers not exceeding

NOTES — First Sheet

WD 01b470—GPB—5 000—24-9 51

one month. The power given under the Legislature has the force of law and therefore supersedes any provision of the M.S.R. absolutely also. But whether the provision of the Act prevails, ~~at least~~ effect for application, there a difference has to be drawn between the Court officers and officers exercising discretion and responsibility so as to exclude the former category from the applicability of this Section. Such provision as a point to be examined ~~[illegible]~~ the Law Secretary in this context as in each case, the particular circumstances of the concerned departmental head functioning the case of the officer would be justified. The Law Secretary may perhaps be consulted on this point.

2) Art 4.8 (d) M.S.R. empowers heads of Departments to function cease to employed officers upto one month in accordance with G.O. No. 1 & 2224-35/ and 27-11 for the purpose of the M.S.R. the former official president of the Regional Council - the Commissioner - as head of the Department to cease the services of subordinate to function

1312/ml 1175 new

Grant of Leave to gazetted officers working in the Municipalities

Leave to gazetted officers upto one month

3) All gazetted officers working in the Corporation & Municipalities are Leave officers of this power & granting Leave to their respective Establishments. It is also necessary that provisions of this Act and Rules made thereunder which the provisions are made in the Rules and the M S R referred to above in regard to Grant of Leave in accordance to the applicable for Leave

4) Rules for orders

Ans 10/6/52 5) Even Govt officers are 10/6 expected to work in the Commissioner city Municipality Mysore and the Comr is competent to sanction leave upto one month to Gazetted officers working under him. If appd, a reply will be sent accordingly

14 JUN 1952

Scey to GS) Pl. form forms of Municipalities

Law 14/6/52 (Law Secy) 13/6/52

1175/Leave

Grant of leave to gazetted officers working in the Municipality

1312 MC

7) The Procedure of the grant of leave to Officers [illegible] whose leave is to be managed but who are relieved by the Local Government, may kindly be made available

8) Information must also be given of Assistant Engineer is not a Local Officer

9) Further, it is not clear if the Municipal Commissioner is deemed to be in charge of the district. The Municipality refers to only the President

Asst Engr Mun'l

[illegible]

10) Draft letter to the Commissioner Corporation Mysore City Municipality is put up for approval.

28/7/52

11) Orders

28/7

28/7/52

To

The Municipal Commissioner
Mysore City Municipality
(thro the President)

L 6775/dated 9/8/52

Calls for certain information

Sent A.

Grant of Leave to gazetted officers working under the C of C — Mysore

General and Revenue Secretariat | File No 13/2/pol 0 (4117)/pol of 19 | [App F III-2

WD 015452—GPB—PZS—40 000—1 10 51

290 H

Serial No

From

The Municipal Commr, Mysore

No. C. P. R 32/52 52 dt 25.8.52

Forwarding the enforcement Calls for

Flag 'A'

12) As per G.O. dated 20.3.51 the Commr Mysore City Municipality & Heads as the Head of a Dept are Competent under Art 408(4) M.S.R. empowers the Heads of Depts to grant leave to the gazetted officers upto one month. The gazetted officers working under the Municipal Commr, whether Govt or otherwise, are to be deemed as municipal Servants as long as they Continue in the Municipality. Hence the Commr under the above provisions is perhaps empowered to grant leave upto one month to gazetted officer Govt from other Dept also

13) The Municipal Engineer, Mysore City Municipality is an officer Govt from the P.W.D.

14) With the above enforcement the file may perhaps be referred to the Law Dept with reference to paras 2 to 9 above.

15) May be referred to Law Sect

5680

9 SEP 1952

Scy) dt 8/9 119

Law Sect) 8/9/52 119

NOTE—Contn Sheet

Grant of leave for one month to Gazetted officers working in the Mysore City Municipality

File No 4117/MA 2904/Law of 19

General and Revenue Secretariat

Serial No

17) The Assistant Engineer, though a Gazetted officer, must be deemed to be a Municipal servant as long as he continues to work in the Municipality now - See 408(d) of MMA, Heads of Govt sanctions in appendix D' are authorised to grant C L to Gazetted officers working under them as well as persons of one month's Accordingly Govt order dated 20-3-51 (Harijan P) the word 'Commissioner' is substituted for the word 'Government' in item 29 of appendix 'D' So, the Commissioner is empowered to grant leave up to a period of one month & the leave exceeds one month, the approval of the Council is necessary under Byelaw 7 In the present case, the officer has been granted only 15 days' leave by the Commissioner

18) It is not necessary that the leave has the sanctions of the Executive Engineer, when the officer has been transferred to the Municipality

(Law Secy)

24 SEP 1952

19) Agreed

Secy (Engg) 23/9

20) Draft letter to be sent. Reasons why it is put up for approval. 4/10

Chief Engineer 4/10

Secretary 4/10/52

CM 3-52-50

General and Revenue Secretariat | File No 417/ml of 19 | [App F III 2

WD 014428—GPB—40 000—13-7-51

	Serial No	
—		To
		The Municipal Commissioner
		Hyderabad (Thro the DM)
B 20/10		L.No.STB/dated 15/10/52

File No of 19

General and Revenue Secretariat

Serial No

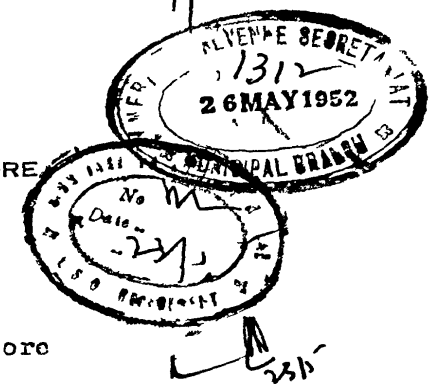
CMC 49-52-49

No 18, P R 32/52-53
Encls one only

CITY MUNICIPAL COUNCIL
P B No 17
Mysore, Dated 2-5-52

From

THE MUNICIPAL COMMISSIONER,
CITY MUNICIPAL COUNCIL
MYSORE.



To

The Secretary to Government,
L S G Department, Bangalore

(Through the President C M C Mysore)

Sir,

Subject - Grant of leave for one month to Gazetted Officers working in the Municipality, C M C Mysore

---

Sr MAS

I write to state that rule No. 7 of Chapter VI of the Bye-laws of the Mysore City Municipality empowers the Commissioner, City Municipal Council, Mysore to sanction leave to Gazetted Officers for a period not exceeding one month As the Municipal Commissioner is a Head of the Department, Article 408(d) of Mysore Service - Regulation empowers the Commissioner to sanction leave for one month to Gazetted Officers working under him In accordance with the above provisions, privilege leave for 15 days applied for by Sri V K. Mukundan, B E , Municipal Engineer during 1949 was sanctioned by the Municipal Commissioner under intimation among others to the Chief Engineer who approved of the grant of leave and the consequential arrangements made.

But the Auditor, Public Works Department Bangalore observed in his letter dated 19-5-49, copy enclosed, that the leave had to be sanctioned by the Chief Engineer as the post of Assistant Engineer, City Municipality, Mysore, was borne on the regular cadre of the Public Works Department etc

If these observations of the Public Works Department Auditor are held to be correct, then the Commissioner cannot at all exercise

P T O

the powers vested in him under rule 7 of Chapter VI of the Bye-law and Article 408 (d) of Mysore Service Regulation, as the existing Gazetted Officers working under him are all lent Officers from other Departments.

Hence I request you kindly to obtain orders of Government clarifying the question as to whether or not the Commissioner can grant privilege leave notexceeding one month to Gazetted Officers working under him in the Municipality

Yours faithfully,

(M S SIAMINATHAN)
Municipal Commissioner.

Forwarded with compliments,

(A KRISHNAMURTHY RAO)
President

PSK

dated 19-5-49 from the Auditor,
Municipal Commissioner, Mysore City

Subject:- Privilege leave granted to Sri V K Mukundan, B E ,

With reference to your memo No C8 C 409 of 48-49 dated 1-4-49 granting privilege leave for 15 days to Sri V K, Mukundan from the date of availment I have the honour to state as follows:-

The leave will have to be sanctioned by the Chief Engineer, as the post of the Assistant Engineer, Mysore City Municipality is borne on the regular cadre of the P W Department.

Certificate of title to leave as required by Article 408 of M S R will also has to be obtained by the sanctioning authority from the Auditor Officer before the leave applied for is got sanctioned

Charge reports in the prescribed form as required by Article 62 of M C A C Vol 1 may also be kindly sent

P T O

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

ORDER No L 2224-35/M1 11-27-117

Dated, BANGALORE, the 10th September 1930

Government having considered that a strict adherence to the provisions of Rule 1 of the Municipal Account Manual often led to unnecessary correspondence between Government and the Municipal Councils in respect of trivial matters, the opinions of the Presidents of the City Municipal Councils and the Deputy Commissioners of District (after consultation with the Municipal Councils) were called for in regard to the delegation of powers to the Municipal Councils and their officers under the Mysore Service Regulations

2 After a careful consideration of the views of the opinions received, Government are pleased to direct as follows -

(1) For the purpose of the Mysore Service Regulations, the following will be treated as Heads of Departments and their names included in Appendix R of the Mysore Service Regulations

(a) In respect of the Bangalore City Municipal Council	The Municipal Commissioner
(b) In respect of the Mysore City Municipal Council	The President of the Municipal Council
(c) In respect of the Town Municipal Councils	The Municipal Councils concerned
(d) In respect of the Minor Municipal Councils	The Deputy Commissioners of the Districts

(2) The powers under clause (a) (1) and (2) of Article 324 of the Mysore Service Regulations be delegated to the Officers and Town Municipal Councils specified above, in regard to the non-gazetted officers under their control

3 Necessary addendum and corrigendum to the Mysore Service Regulations will issue in order to give effect to this order

(SD) R? RANGA RAO,
General Secretary to Government

To

The Municipal Commissioner, Bangalore City, through the President, City Municipal Council, Bangalore
" President of the City Muhicipal Council, Mysore
" Deputy Commissioners of Districts

P T O

The Comptroller to Government, through the Financial Secretariat.
" Financial Secretary to the Government of Mysore

/Copy/

(V HANUMANTHAPPA)
for Secretary to Government,
L S G Department

LNS 2 27/6.

Appendix F G—1

SUBJECT Grant of Leave for one month to gazetted officers Working in the Mysore City Municipality.

Section

File No

Serial No

Diary No of letter replied to

No L. 6775
98-5-2

To

The Municipal Commissioner
Mysore City Municipality
(through the president)

General and Revenue Secretariat

( )

the 19

Sir,

Date of issue

With reference to your letter No C8 PR 32/52-53 dated 19.5.52 on the above subject I am directed to enquire whether there is any specific provision for the grant of leave to officers lent to the Municipality but whose pay are retained in their parent Departments.

In G.O. No L 22264-35/rd 11-27-117 dated 10.9.1930 the president of the Mysore City Mal ol was created as ex-officio Secretary of the Dept for the purpose of M.S.R. Act in the Mysore City Mal ol was given the

Signed by

List of enclosures

Copied by

Examined by

The Comptroller to Government, through the Financial Secretariat
" Financial Secretary to the Government of Mysore.

/Copy/

(V HANUMANTHAPPA)
for Secretary to Government,
L S.G Department

LNS 2 27/6.

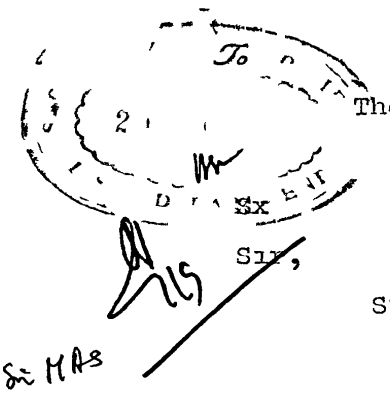
CM 3-52-49

No CC.P R 32/52-53.
Encls

CITY MUNICIPAL COUNCIL
P B No 17
Mysore, Dated 25-8-52

From

THE MUNICIPAL COMMISSIONER,
CITY MUNICIPAL COUNCIL,
MYSORE



To

The Secretary to Government,
L S G Department, BANGALORE
(Through the President, C M C Mysore)

Sir,

Subject - Grant of leave for one month to Gazetted Officers working in the Mysore city Municipality

---

With reference to your letter No L. 6775 dated 9th August 1952 on the above subject, I write to state that all the Gazetted Officers, including the Municipal Commissioner, are lent Officers of Government Departments The Commissioner is the Chief - Executive Officer so far as Municipal administration is concerned and one of the Heads of Departments, as specified in appenxix "O" of M S R as per Government order No. Fl.9283-37/S & A 35-50-14 dated 20-8-51 a copy of which is herein enclosed for ready reference Article 408 (d) of M S R empowers all heads of Departments to sanction privilege leave not exceeding one month to Gazetted Officers working under them. The Gazetted Officers working under the Municipal Commissioner, though lent from other Government departments, will have to be deemed as Municipal servants so long as they continue to work in the Municipality and the Commissioner, will have a right to exercise all such powers which any other Heads of Departments can exercise, vested in them under provisions in the M S R

In view of the above and since the Commissioner has already been ordered to be treated as one of the Heads of Departments, specified in Appendix "O" of the M S R I am of opinion that he may also grant leave not exceeding one month to other Gazetted officers whether lent or not under his control

P T O

the privilege of electing its own
non-official president, the Commissioners
have appointed as the Chief of Scarborough
the authority of the Municipality. To which
the Council in lieu of their previous
official president has since been
ordered to be deemed a head of the Department
may be directly addressed

Yours faithfully
[signature]
For L.S.G. Secy
Aug 28/17

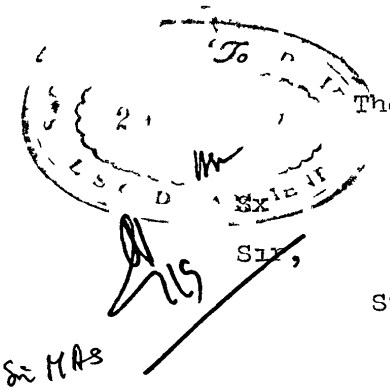
CM 3-52-49

No CC.P R 32/52-53.
Encls

CITY MUNICIPAL COUNCIL
P B No 17
Mysore, Dated 25-8-52

From

THE MUNICIPAL COMMISSIONER,
CITY MUNICIPAL COUNCIL,
MYSORE



To

The Secretary to Government,
L S G Department, BANGALORE
(Through the President, C M C Mysore)

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Subject - Grant of leave for one month to Gazetted Officers working in the Mysore city municipality

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P T O

control after verifying from the Audit office the title to the leave I request you kindly to obtain and communicate orders of Government early in the matter.

Yours faithfully,

(F M Abdul Rahim)
Municipal Commissioner.

Forwarded with compliments,

26/8

A Krishnamurthy Rao

(A Krishnamurthy Rao)
President

PSK.

PROCEEDINGS OF THE GOVERNMENT OF MYSORE.

Read

G O No L 12000-4/M1 103-47-3 dated the 23rd December 1. conferring on the Mysore City Municipal Council the privilege of electing its own President from among the members of the Municipal Council

2. G O No L. 12005-3/M1 103-47-3 dated the 23rd December directing that a Commissioner be appointed for the Mysore city Municipal Council who will function as such from the time the non official President is elected.

3 Letter No C C 247/50-51 dated the 10th February 1951, from the Municipal Commissioner, City Municipal Council, Mysore, through the President, Mysore city Municipal Council, Mysore, requesting that the " Commissioner, of the City Municipal Council Mysore," may be substituted for " President,Mysore City Municipal Council", in item No 20 of Appendix "O" of the Mysore Service Regulation.

Order No.M1 9203-47/S&A 35-50-14

Bangalore, Dated 20-3-1951

A P P R O V E D.

Necessary correction to the Mysore Service Regulations will be issued separately.

Sd
for Secretary to Government,
Finance Department.

Copy.

PSK

for Municipal Commissioner.